

January 12, 2009

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and member Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Supt. Givens; Judy and Dave Whitten; Rich DeMarco – Johnson Controls, Inc.; Jerry Walden; Larry Williams; Rick Bowman – R & S Construction; Amy Moore – Mount Vernon Democrat; and Pam Robinson – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Board member Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Hoehn moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated the lamella building is now completely enclosed and looks real good, the other building is done as well, and it is also enclosed, and has temporary lights installed.

Mr. DeMarco stated they are making steady progress and the pumps have arrived. He then stated as of December 8, 2008, they identified the land purchase north of town and they will be getting a schedule together on that work. He then stated, as for the new filter building, the valves are 85% complete and the piping for the facility is 95% complete. He added the internal assembly is 90% and the external is 20% complete. He then stated the bridge between the KROFTA building and the new filter building is in place and conduit is going across. He stated once that wiring is complete the control centers will be “married”. He added the start up date is scheduled for February 13, 2009 and they are overall 65% complete with everything.

Mr. DeMarco continued his report by stating the pumps are being installed in the backwash supply building and that is 80% done, with a scheduled completion date of January 23, 2009 and start up January 30, 2009. He concluded by stating the Keck Booster Station will be tied in January, 21, 2009, and Vectren has accepted the paperwork on it. He added the pumps are also to arrive on the 21<sup>st</sup>, with a ship date of January 16, 2009. He stated start up is scheduled for February 6, 2009.

Mayor Tucker asked if there were any questions ?

Chairman Curtis stated no question, just letting the Board know that he land purchase was completed as of last Friday.

Mayor Tucker asked if Supt. Gray had a report ?

Supt. Gray stated he has no report.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?  
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated they need to designate a newspaper for publications for the Water Utility Board.  
Board member Askren moved they use the Mount Vernon Democrat. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Board ? He stated Sharrell Eaton is listed for a water adjustment, and asked if she was present ? She was not.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

Rick Bowman stated he is here for Brock Riecken and R & S Construction, about a house they are working on at 1315 Canal. He added they are trying to tap into an existing line, and he has spoken with Supt. Givens as well as Supt. Gray. He stated he is asking, about the open lines, can the city clean them out for them; and can they cut the street out two feet ?

Board member Higgins asked if this located between Sherman and Lincoln ?

Mr. Bowman replied yes.

Mayor Tucker stated this is really more of a sewer issue, making it a Board of Works issue, though the water department is also involved.

Supt. Gray stated in 1998 there was a water main replacement there and the lateral was cut at that time.

He added Mr. Bowman will have to maintain adequate separation between the water line that is there, and the sewer line. He then stated he has no issues with the request.

Board member Curtis stated it seems there won't be any issues as long as he maintains the distance between the water and sewer lines, and the tap is made according to code.

Mr. Bowman stated he now has an issue with the sewer line itself, it may not be all the way open, it may have tree roots and such in it, and he will need help cleaning the line out.

Supt. Givens stated he felt both the Water Utility Board and the Board of Works should be involved with this, which is why he told Mr. Bowman to come to the meeting tonight, so everyone would be on the same page. He then stated the main sewer line is open and the owner will be responsible for the lateral from the house to the main sewer line.

Mr. Bowman stated he had always been told that if the line was located in the street, the city was responsible for that.

Board member Curtis replied the lateral is the homeowners' responsibility from the tap in on. He added this really is a Board of Works issue.

Attorney Higgins stated the area in question had always been a vacant lot with no water service.

Mr. Bowman questioned the tap fee, would there be one since it is the same existing lateral, not a new tap ?

Supt. Givens replied anytime a tap is made to a new main, there is a fee, unless they are going into the existing tap, then there will be no tap fee.

Mr. Bowman stated he appreciated the Board's time, and thanked them.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Board member Curtis replied yes, he has a letter from Mr. Honebrink requesting a Change Order to JCI's performance contract. He added the Change Order is a result of a delay in financing, as the bid was based on a February/March start date, at those prices, they did not actually begin until May. The following was the letter submitted by Mr. Honebrink:

November 3, 2008

Mt. Vernon Waterworks  
123 College Avenue  
Mt. Vernon, IN 47620 (sent via email)  
Attn: Chuck Gray

Change Order #2 to Performance Contract – Addendum #1

Johnson Controls, Inc respectfully requests Water Utility Board approval for this change order. The purpose of this change order is to cover additional costs due to the delay in securing financing from February 29 to May 15.

Although we have made every effort to minimize the impact of increasing cost of materials, these 2.5 months saw significant cost increases due to the volatility of the commodities markets. We therefore ask for the Board's approval of Change Order #2 to the JCI Performance Contract to cover these costs.

This will be the only change order necessary for the Treatment plant and the Keck Booster Station due to these escalations. Although we do not anticipate additional costs associated with the North Booster Station, we cannot guarantee that no additional cost will be needed since securing the land for this station has not yet been complete by the city. We trust the city is working diligently to expedite this piece of property.

Thank you.

Sincerely,

Richard Honebrink  
Regional Installation Manager

Board member Curtis noted the Change Order is for \$139,631.00.

Attorney Higgins added stated according to the attached spreadsheet, the delay until May cost \$121,418.00; and then wondered why the Change Order is being requested for \$139,631.00 ? She also noted a 15% mark up on each line item listed.

Mr. DeMarco replied the \$121,418.00 was identified as material cost plus mark up, per PPMI. The \$139,631.00 figure includes JCI mark up for management services for himself and Mr. Honebrink. He then stated JCI is willing to, based on any redesign that may be required, absorb those escalation costs. Attorney Higgins stated before they approve anything, she would prefer the spreadsheet be reworked to match the actual cost of the Change Order, as well as to conform to State Board of Accounts guidelines. Board member Curtis stated he understands that the costs of materials goes up, he gets that, but he is not quite as clear about the 15% mark up from JCI. He wondered how they can get an actual cost of the time delay ? He then asked if \$139,631.00 is it; will there be any further requests from JCI ?

Mr. DeMarco the PPMI escalation is due to the site not being available and therefore equipment and manpower having to be redeployed. He added JCI will absorb that.

Attorney Higgins asked if JCI has indicated when payment will be expected and from what funds would this payment be made ?

Board member Curtis replied he is not sure about a time line, and as far as the funds go, he believes there are sufficient funds in the BAN's - \$300,000 from lines that the water department was going to lay themselves, and \$275,000 that has been included as a contingency fee.

Attorney Higgins again stated they need to correct their spreadsheet.

Board member Hoehn agreed and added she would like some time to look these figures over for herself.

Board then concurred to table any action on the Change Order until the next meeting.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and member Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Supt. Givens; Judy and Dave Whitten; Rich DeMarco – Johnson Controls, Inc.; Jerry Walden; Larry Williams; Rick Bowman – R & S Construction; Amy Moore – Mount Vernon Democrat; and Pam Robinson – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Hoehn stated she has no report.

Mayor Tucker stated Comm. Maynard is not present and asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Fuelling stated Chief Waters indicated they made 21 runs this past month. He continued by stating one firefighter has been injured, he sustained burns to his hands and is at Vanderbilt Hospital in Nashville.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report for December before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are ready for the Legal portion of the Agenda.

Attorney Higgins states she wonders if the first item is a two part item. She stated the city has an economic development commission and the county has a redevelopment commission. She added the city body has three members and the council has one appointment to that Board. She stated the current term of Ann Blackburn expires at the end of January.

Council concurred to table any appointment until they could make contact with Ms. Blackburn to see if she would be interested in serving again. The appointment will be made at their next meeting.

Attorney Higgins stated as for the redevelopment commission, Clerk-Treasurer Wolfe received notification that Council needed to make their appointment to that Board as well.

Again, Council concurred to make that appointment at the next meeting.

Mayor Tucker stated the next item is the second reading of the Ordinance to Vacate a Public Right-Of-Way.

Attorney Higgins reminded Council first reading and public hearing were held at their last meeting and this is by a request from Dan Funk.

Councilman Curtis moved the ordinance to vacate pass on second reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Askren moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the ordinance pass on final reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-01, passed at 7:55 p.m.

Mayor Tucker stated next, not on Agenda as it came in late Friday afternoon, is an Ordinance presented by the Area Plan Commission.

Attorney Higgins explained once the Area Plan submits an ordinance to the city, the Council has 30 days to take action, so no action NEEDS to be taken tonight. She stated the APC is wanting to amend their fee schedule so that they have the authority to establish fees, at their first meeting of the year each year. She added the fees must reflect actual costs, and upon looking at the ordinance submitted, she would suggest some language changes, not substance changes, just language.

Councilwoman Hoehn asked if the APC is totally wanting to take over the authority of the fees they charge, instead of having them brought before the Council each time ?

Attorney Higgins replied that is correct.

Councilwoman Hoehn moved the ordinance pass on first reading. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the final item is for the Council to now designate a newspaper for its publication of legal notices.

Councilwoman Higgins moved the Council select the Mount Vernon Democrat. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

Councilwoman Hoehn asked, as she knows the city can not afford to advertise in two papers, if the notices could be sent to all papers, as a courtesy ?

Attorney Higgins replied this designation is for classified ads for help wanted, legal notices, notices to bidders, etc. and papers have to charge for running those. She stated notices of meeting changes, public information, etc., are sent to the paper, free of charge, but are not run in the paper.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren stated she has no report.

2<sup>nd</sup> District Councilman Fuelling stated he has no report.

3<sup>rd</sup> District Councilwoman Hoehn stated she has no report.

4<sup>th</sup> District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has been talking with Comm. Maynard about an alley located at 219 W. 10<sup>th</sup> Street. She added semis are using the alley and their mirrors are actually hitting a house located on the alley. She stated the owner is requesting the alley be made one-way, running north and south, as again, the house has been hit. The owners concern is that one of the semis will hit the gas meter. Councilwoman Hoehn asked if there is any other way for the semis to go and wondered why they would be using an alley in the first place.

Councilman Curtis stated that is his district, he will look into it.

Councilwoman Higgins continued by stating she also has spoken with Robbie Buchanan about the rough crossing on 2<sup>nd</sup> Street and he assured her it is on the list to be patched, when the weather is warmer. She then concluded her report by stating the first RiverDays meeting will be held Tuesday, January 20, 2009 at 6:00 p.m.

Mayor Tucker stated along the lines of appointments, he forgot to announce that he has reappointed Beth Higgins as City Attorney, as she is doing an excellent job. He then stated Mount Vernon is embarking on a high dollar project, CSO elimination and the Long Term Control Plan. He added this is being mandated by the State, they do not have a choice but to comply. He stated there have been numerous meetings, public hearings, etc., and as a result, he has a representative of Bernardin Lochmueller to attend the second Council meeting of the month from now on to update the public and the Council as to the progress of the project. He concluded his report by stating \$150M of federal money has been filtered down to the state level, through HUD, for cleaning up dilapidated houses, etc., and last week he completed the paperwork on a \$1M grant to get Mount Vernon on the list for some of that money.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer